

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ANTHONY BERRY,

1:23-cv-2740 (NLH)

Petitioner,

**MEMORANDUM OPINION &
ORDER**

v.

UNITED STATES OF AMERICA,

Respondent.

APPEARANCES:

Anthony Berry
63766-066
Otisville
Federal Correctional Institution
P.O. Box 1000
Otisville, NY 10963

Petitioner pro se

Philip R. Sellinger, United States Attorney
Sara Aliya Aliabadi, Assistant United States Attorney
Office of the U.S. Attorney
District Of New Jersey
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4th Floor
P.O. Box 2098
Camden, NJ 08101-2098

Attorneys for Respondent

HILLMAN, District Judge

WHEREAS, Petitioner Anthony Berry filed a "motion for removal of 924(c) enhancement/compassionate release or in the alternative a reduction in sentence," which the Court construed

both as a motion under 18 U.S.C. § 3582(c)(1)(A)(i)¹ and as a motion to correct, vacate, or set aside his federal sentence under 28 U.S.C. § 2255, see ECF No. 1; and

WHEREAS, the Court reviewed the motion and concluded that an answer from the United States was warranted, ECF No. 2; and

WHEREAS, Petitioner wrote a letter asking the Court to only consider his arguments as a motion for compassionate release and not under § 2255, ECF No. 5; and

WHEREAS, the Court will dismiss the § 2255 motion at Petitioner's request. The Court will continue to consider his arguments as a motion for compassionate release in his criminal case, No. 10-cr-51,

THEREFORE, IT IS on this 25th day of July, 2023

ORDERED that the § 2255 Motion, ECF No. 1, shall be, and the same hereby is, DISMISSED; and it is finally

ORDERED that the Clerk shall send a copy of this Order to Petitioner by regular mail and mark this case CLOSED.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.

¹ This motion is presently pending in Petitioner's criminal case, 10-cr-51.